INVESTIGATIVE SUMMARY

INTERNAL AFFAIRS BUREAU

INVESTIGATIVE SUMMARY

SH2450947

INCIDENT: **On-Duty Hit Shooting**

URN#: **018-03394-0563-013**

DATE/TIME: **March 18, 2018 0845 Hours**

LOCATION: [redacted] **Durfee Avenue, South El Monte, CA 91733.**

SUMMARY

On March 18, 2018, an Internal Affairs Bureau (IAB) team comprised of Lieutenant James Powers, [redacted] Sergeant James Jordan, [redacted] and Sergeant Omar Camacho, [redacted] responded to Temple Station regarding an on-duty hit shooting.

IAB Lieutenant Powers confirmed the watch commander, Sergeant Michael Martinez, [redacted] took reasonable steps to ensure the involved personnel and witnesses did not discuss the incident amongst themselves or with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Powers confirmed the involved personnel gathered in the company of a supervisor until they provided a statement to the assigned investigators.

Sergeants Michael Rodriguez [redacted] and Howard Cooper [redacted], from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the investigation. For further information regarding the shooting investigation refer to Homicide Case Book, under URN #018-03394-0563-013 **[EXHIBIT A]**.

SYNOPSIS

On March 18, 2018, at approximately 0840 hours, Temple Station desk personnel received a call for service (T-69) **[EXHIBIT B]** from [redacted] (herein referred to as Informant [redacted]) regarding a trespassing/possible burglary. Informant [redacted] advised he arrived to check on a property ([redacted] Durfee Avenue, South El Monte) which [redacted] and noticed a hole in the [redacted] which surrounded the property. Informant [redacted] also observed one of the doors to the property was open.

The call for service was dispatched and voiced via radio to Deputy Bradley Dietze (Unit 55T1) [redacted], and Deputy Mary Vasquez (Unit 55) [redacted]. They were assigned to day shift in the city of South El Monte, which is patrolled by Temple Station.

Deputy Vasquez received the handle on the priority service call and Deputy Dietze was assigned as the assisting unit. Deputies Vasquez and Dietze responded to the area of the call, as they received radio voiced updates regarding the incident. Informant [redacted] called Temple Station a second time to provide additional information, stating he saw a female leaving the location and gave her updated last seen direction.

Deputy Bui (Unit 53T1) assigned himself to the call and responded to the location. When Deputy Dietze arrived, he observed Suspect Borrego, near the location of the service call. Due to the close proximity of the location, Deputy Dietze informed Deputy Bui that he would be making contact with Suspect Borrego. Deputy Dietze exited his patrol vehicle to contact Suspect Borrego, but Suspect Borrego fled and ran away from Deputy Dietze. A brief foot pursuit by Deputy Dietze ensued.

IAB Note: IAB Investigators determined Deputy Dietze was involved in a foot pursuit for approximately 170 feet.

Deputy Dietze gave verbal commands for Suspect Borrego to stop. Suspect Borrego stopped and turned back toward Deputy Dietze. Suspect Borrego produced a knife as Deputy Dietze continued giving the suspect commands to get on the ground. Suspect Borrego appeared to briefly comply, as he leaned forward, placing his hands on the ground. Suspect Borrego then pushed off the ground and took steps in Deputy Dietze's direction, closing the distance while having the blade of the knife extended toward Deputy Dietze. Deputy Dietze believed Suspect Borrego was trying to kill him. In fear for his life, Deputy Dietze fired three rounds, striking Suspect Borrego. Deputy Dietze broadcast via radio he was involved in a deputy involved shooting.

Suspect Borrego moved back a few steps and fell onto his back, while still holding a red knife in his hand. Deputy Dietze and Deputy Bui continued giving Suspect Borrego verbal orders to drop the knife, however he would not respond.

Deputy Bui approached Suspect Borrego and kicked the knife out of his hand, away from the Suspect Borrego's reach. Deputy personnel approached Suspect Borrego and rendered medical aid.

Additional Temple units responded to the location of incident, including a field supervisor, Sergeant James Long (Unit 55S). Sergeant Long acknowledged his response to the location via radio and arrived in approximately two minutes. Upon arrival, Sergeant Long contacted the involved deputy personnel on scene and obtained a public safety statement. Sergeant Long was present for scene management.

Once the scene was rendered safe, Los Angeles County Fire Department Station #90 personnel, commanded by Captain Robles treated Suspect Borrego. Suspect Borrego was pronounced deceased at the scene at 0908 hours.

Deputy Dietze and Deputy Bui were transported to Temple Station and advised not to discuss the incident.

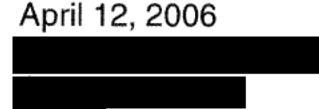
DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division, of the Los Angeles County District Attorney's Office, reviewed the fatal shooting of Suspect Borrego by Deputy Bradley Dietze. In their letter of opinion **[EXHIBIT C]**, dated January 31, 2019, Head Deputy District Attorney Shannon Presby concluded Deputy Dietze acted in lawful self-defense when he used deadly force against Manuel Borrego.

INVOLVED EMPLOYEE AND WORK HISTORY

Bradley Dietze, Deputy Sheriff, [redacted]

East Patrol Division
Temple Station



Date of Employment:	April 12, 2006
Date Assigned to Patrol/Temple:	[redacted]
Date Completed Patrol Training:	[redacted]
Prior Shooting Incident(s):	[redacted]
Prior Founded Force Incident(s):	[redacted]

Equipment Worn On Person

On March 18, 2018, Deputy Dietze was wearing a Class "A" uniform including a nylon Sam Browne duty belt. The equipment on his duty belt included: two sets of handcuffs, Oleoresin Capsicum (OC) spray, sap, flashlight, .45 Heckler & Koch duty weapon, two fully loaded .45 HK magazines, handheld radio, and keys. He did not have a Taser assigned to him.

SUSPECT INFORMATION (DECEASED)

Manuel Anthony Borrego - Male, Hispanic, DOB: August 20, 1977, 5'04"/160 [redacted]



> **IAB Note: A copy of Suspect Borrego's Consolidated Criminal History Reporting System is included in the Homicide Case Book [EXHIBIT A, pages 52-59].**

SUSPECT AUTOPSY

On March 21, 2018, a post-mortem examination of Suspect Borrego was performed by Deputy Medical Examiner Vadims Poukens, M.D., at the Los Angeles County Coroner's

Office. It was determined Suspect Borrego's death was caused by two gunshot wounds. For Additional see **[EXHIBIT A, pages 68-81]**.

During the course of Suspect Borrego's autopsy, blood was drawn from several areas of the body including the heart. A laboratory summary for toxicology screening **[EXHIBIT A, pages 82-83]** was completed. [redacted]

DEPUTY PERSONNEL INJURIES

No deputies were injured during the course of this incident.

PHYSICAL EVIDENCE

Physical evidence was located and collected by Homicide Detectives Philip Guzman [redacted] and Scott Lawler [redacted]. They were assisted by Forensic Identification Specialist Jessica Liang [redacted], Sergio Castellon [redacted], and Scott Purcell [redacted], from the Sheriff's Department Scientific Services Bureau. For descriptions of evidence location and collection, see Homicide Case Book **[EXHIBIT A, page 50]**.

INVESTIGATOR'S OBSERVATIONS

Internal Affairs Bureau Sergeants Omar Camacho and James Jordan responded to the scene on March 18, 2018, at approximately 1110 hours. Escorted by Homicide Investigators, IAB Sergeants Camacho and Jordan walked the area where the incident occurred (between [redacted] and [redacted] Durfee Avenue), to become familiar with the area, as well as to observe where the involved units were tactically located.

The scene was described in detail by Homicide Investigators Lawler and Guzman in the Homicide Case Book **[EXHIBIT A, page 35-38]**. Their description of the scene was consistent with the initial IAB Investigators' observations. The scene was also photographed and sketched **[EXHIBIT D]** by the Sheriff's Department Scientific Services Bureau personnel. Compact discs containing aerial photographs of the scene, photographs of involved deputy personnel, coroner's photographs, and scene investigation photos **[EXHIBIT E]** have been included as a permanent record within this IAB case book. Three expended .45 caliber casings were recovered from the scene **[EXHIBIT A, Pages 32-34]**.

WEAPON USED BY DEPUTY DIETZE

Deputy Dietze fired three rounds of Department issued ammunition from his .45 caliber Heckler and Koch USP semi-automatic pistol ([redacted]). The firearm was examined by Senior Criminalist Amy Wong of the Scientific Services Bureau Firearms Identification Section and found it to be functional **[EXHIBIT F]**. Deputy Dietze last qualified with his .45 caliber Heckler and Koch USP semi-automatic pistol on [redacted].

IAB Note: Deputies are required to qualify every trimester. A copy of Deputy Dietze's complete training records, including range qualification scores and dates, were included as a permanent record within this IAB case book [EXHIBIT G].

WEAPON USED BY SUSPECT BORREGO

Suspect Borrego was in possession of two knives, one was approximately 12 inches in overall length, with an 8 inch red blade and a red handle. The second knife had an overall length of 12 inches, with a 7 inch steel colored blade and a white handle. See Evidence Supplementary Report **[EXHIBIT A, page 34]**.

PROPERTY DAMAGE

No property damage identified.

LIGHTING AND WEATHER CONDITIONS

The incident occurred outdoors in the city of South El Monte, California, at approximately 0900 hours. The weather was cool on a clear day.

RADIO TRANSMISSIONS

Internal Affairs Bureau Investigators reviewed the Sheriff Communications Center (SCC) audio **[EXHIBIT H]** of the radio traffic associated with the incident. The following is a brief synopsis of those transmissions:

DISPATCH CHANNEL

0846 hours – Sheriff's Communication Center voiced a response needed at [redacted] Durfee Avenue regarding an open door to the location.

0850 hours – Sheriff's Communication Center requested aero bureau to respond. Aero unable to respond re: low fuel.

0853 hours – [redacted] patch requested and opened by Deputy Dietze (Unit 55T1). Detaining 459 suspect at gunpoint on Durfee Avenue across from High School [redacted].

0854 hours – [redacted] deputy involved, [redacted] suspect at [redacted] Durfee Avenue.

0855 hours – Fire requested for suspect down, clear to enter.

0856 hours – Aero set up containment. Sergeant James Long (Unit 50S) and additional units responding.

TEMPLE STATION [redacted]

0846 hours – Deputy Vasquez (Unit 55) requested Deputy Dietze (Unit 55T1) respond from the west and she would respond from the east.

0848 hours – Desk update that informant could observe female coming out of the location.

0850 hours – Deputy Vasquez (Unit 55) coordinated units respond to location, while advising she was detaining one and asking Deputy Dietze (Unit 55T1) to ascertain further.

0852 hours – Deputy Vasquez (Unit 55) requested Deputy Dietze (Unit 55T1) make contact with informant to confirm if a [redacted] to location.

0853 hours – Deputy Dietze (Unit 55T1) advised Deputy Bui (Unit 53T1) to stop his vehicle because he was going to contact male (Suspect Borrego) sitting on side walk.

[redacted]

Frequency [redacted] was used by Temple Station personnel at the command post to coordinate their resources.

SURVEILLANCE VIDEO

Homicide Detectives located a security video camera at [redacted] ([redacted] Durfee Avenue, South El Monte) with a long distance view, which faced the location of incident. The camera system was new and the cameras were not yet recording on March 18, 2018.

There were no video recordings of the deputy involved shooting located or identified by IAB Investigators.

STATEMENTS

The following narratives are intended only as a summation of the actual interview(s). Additional information and the precise wording may be obtained by reviewing the digitally audio recorded and verbatim transcriptions. IAB investigators reviewed reports authored by involved deputies.

WITNESS DEPUTY VU BUI

Homicide Bureau Interview

On March 18, 2018, Deputy Vu Bui was interviewed by Homicide Sergeants Michael Rodriguez and Howard Cooper. The interview was summarized in the Homicide Case Book **[EXHIBIT A, pages 44-46]**. The interview was transcribed and placed as a permanent record within the IAB case file.

IAB Interview

On September 4, 2019, Deputy Bui was interviewed by IAB Sergeants Omar Camacho and Alfred Salazar at the Internal Affairs Bureau office. The interview was audio recorded and transcribed. The following is a summary of the interview.

On March 18, 2018, Deputy Bui was assigned to day shift [redacted] patrol at Temple Sheriff's Station. He was assigned as a one person car which patrolled the city of Rosemead.

While on patrol, Deputy Bui heard dispatch radio traffic of a burglary in progress and assigned himself to the call. Deputy Dietze was first on scene and informed Deputy Bui of a suspicious person across the street that he was going to contact. Deputy Bui drove up to the location and positioned his vehicle on the opposite side of Deputy Dietze. He explained the tactical positioning as, "parked on each side of the suspect" **(IAB Bui Interview, p.8)**.

Deputy Bui saw the suspect "sitting down on the sidewalk on the curb" **(IAB Bui Interview, p.6)**. The suspect then got up and ran away from Deputy Dietze. Deputy Bui had difficulty getting out of his vehicle initially and placing it in park. By the time Deputy Bui exited his vehicle, he heard Deputy Dietze on the [redacted] stating he was detaining a suspect at gunpoint.

> **IAB Note: The [redacted] is a Sheriff's Communication Center controlled open two-way frequency utilized for priority or emergent communications.**

Deputy Bui saw the suspect was holding "two long kitchen knives" **(IAB Bui Interview, p.10)**. Deputies Dietze and Bui detained the suspect at gunpoint. Deputy Bui saw the suspect swinging his body back and forth and "took little steps back, took little steps forward." **(IAB Bui Interview, p.10)**.

Deputies Dietze and Bui gave the suspect verbal orders to drop the knives. The suspect did not comply and continued waving the knives around. Deputy Bui saw the suspect made a lunging motion toward Deputy Dietze. Deputy Bui heard three gunshots and saw the suspect go down to the ground. Deputy Dietze advised via radio he was involved in a [redacted] deputy involved shooting.

The suspect still had one knife in his left hand, while the other was dislodged from his right hand when he went down. Based on the suspect's physical condition, Deputy Bui did not consider the suspect a threat anymore. Deputy Bui made an approach and kicked the knife out of his left hand, in order to render medical assistance. Deputy Bui applied pressure to the neck area of the suspect in an attempt to control the bleeding. Deputy personnel and a field sergeant arrived on scene shortly after.

Deputy Bui was transported to Temple Station where he waited to be interviewed by Homicide Bureau Investigators.

WITNESS DEPUTY MARY VASQUEZ

IAB Interview

On August 30, 2019, Deputy Vasquez was interviewed by IAB Sergeants Omar Camacho and Jeremy Carr at the Internal Affairs Bureau office. The interview was audio recorded and transcribed. The following is a summary of the interview.

On March 18, 2018, Deputy Vasquez was assigned to day shift [redacted] patrol at Temple Sheriff's Station. She was assigned as a one person car (Unit 55) which patrolled the South El Monte area. Deputy Vasquez had a ride along applicant in her vehicle during the shift.

IAB Note: Ride along observer [redacted] was contacted by IAB Investigators. He did not witness the incident or hear the deputy involved shooting.

See Miscellaneous Documents for The Los Angeles Sheriff's Department Temple Station observer program application, dated 03/08/18.

Deputy Vasquez responded to [redacted] Durfee Avenue in South El Monte regarding a burglary in progress. She was assigned to handle the service call and coordinated responding units to the location, while requesting Aero to assist. As she responded to the location, she observed a female matching the description in the updates of the call. Deputy Vasquez detained her pending the arrival of deputy personnel contacting the informant.

Deputy Vasquez was detaining a possible suspect when Deputy Dietze broadcast emergent radio traffic. She was approximately 200 yards away from Deputy Dietze's vehicle **(IAB Vasquez Interview, p.7)** and immediately released the female being detained.

IAB Note: **Temple Station Detectives were able to identify, locate, and contact [redacted]. IAB investigators confirmed she was the person detained by Deputy Vasquez, during the burglary investigation and prior to the deputy involved shooting.**

Deputy Vasquez drove her vehicle to the location of the shooting and saw Deputy Bui "rendering first aid" to the suspect. Deputy Vasquez then heard Deputy Dietze requested medical assistance for the suspect.

Deputy Vasquez said she did not see the contact between Deputy Dietze and Suspect Borrego. She did not witness the shooting nor did she hear the gun shots (**IAB Vasquez Interview, p.11**).

Deputy Vasquez wrote a supplemental report **[EXHIBIT A, pages 14-16]**.

INVOLVED EMPLOYEE BRADLEY DIETZE

Homicide Interview

On March 18, 2018, Deputy Bradley Dietze [redacted], was interviewed by Homicide Investigators Michael Rodriguez and Howard Cooper. The interview was summarized in the Homicide Case Book **[EXHIBIT A, pages 41-44].** The interview was transcribed and placed as a permanent record within the IAB case file.

Homicide Round Count

On March 18, 2018, at 1644 hours, Homicide Investigators Rodriguez and Cooper inspected Deputy Dietze's .45 caliber Heckler and Koch USP semi-automatic pistol ([redacted]).

Investigators observed the weapon contained one live .45 caliber round in the chamber, and nine .45 caliber live rounds in the magazine. All the rounds were head stamped as "Federal .45 auto." Investigators took possession of the duty weapon for further processing at the Los Angeles County Sheriff's Department, Scientific Services Bureau/Firearms Section.

IAB Note: **Deputy Dietze stated his weapon was loaded with thirteen live .45 caliber rounds. This consisted of twelve live rounds in the magazine and one live round in the chamber.**

Based on the Homicide Investigators' round count, they determined Deputy Dietze fired three rounds total.

IAB Interview

On September 5, 2019, Deputy Dietze was interviewed by IAB Sergeants Omar Camacho and Hank Ortega at Internal Affairs Bureau office. The interview was audio recorded and transcribed. The following is a summary of the interview.

On March 18, 2018, Deputy Dietze was assigned to patrol at Temple Station. Deputy Dietze's regular assignment was EM shift, but he worked day shift [redacted] on overtime. He was assigned as a one person car (Unit 55T1) which patrolled the city of South El Monte. Deputy Dietze responded to a priority service call for a possible burglary in progress. Deputy Vasquez was the handling unit and Deputy Dietze was assigned as the assist.

Deputy Dietze responded to the location and drove eastbound Durfee Avenue toward the address. He saw a male sitting on the north sidewalk and it did not appear normal for the individual to be sitting in the area at that time of day. Deputy Dietze drove past the location while focusing on the male sitting on the curb. At this time, the informant drove up to Deputy Dietze and pointed out the target location. Deputy Dietze conducted a U-turn and now was driving westbound on the number two lane of Durfee Avenue. Based on the close proximity of the service call, Deputy Dietze believed the male on the sidewalk could be involved as a lookout.

Deputy Dietze saw Deputy Bui driving toward his direction and advised Deputy Bui via radio to stop his vehicle because he was going to contact the male on the curb. Upon Deputy Dietze exiting his patrol vehicle, the suspect jumped up and ran eastbound. Deputy Dietze believed the suspect was involved in a crime and trying to flee. Deputy Dietze went in foot pursuit of the suspect.

> **IAB Note:** **Deputy Dietze believed he broadcasted he was in foot pursuit via radio (IAB Dietze Interview, p.6). There was no radio transmission of a foot pursuit.**

The suspect went around the rear of the patrol vehicle and across the street toward the south curb line of Durfee Avenue. Deputy Dietze gave the suspect several commands to get on the ground. The suspect did not comply and turned to face Deputy Dietze. The suspect pulled out two knives, "like unsheathing a sword" **(IAB Dietze Interview, p.6)**. Deputy Dietze continued to give the suspect verbal commands, as the suspect started to advance on him.

Deputy Dietze was standing close to the center divider when the suspect continued to advance. The suspect "just had a look that he was not going to stop" **(IAB Dietze Interview, p.6)**. The suspect then paused and appeared to comply with Deputies Dietze and Bui's orders, as it appeared he was going to get on the ground.

The suspect did not go to the ground, instead he lunged forward toward the direction of Deputy Dietze. Deputy Dietze believed he was going to die and fired three rounds from his duty weapon to stop the suspect. Deputy Dietze saw the suspect fall to the ground.

IAB Note: Deputy Dietze stated the distance between himself and Suspect Borrego at the time of the shooting was approximately ten to fifteen feet (IAB Dietze Interview, p.15). The distance is consistent with the statement made to Homicide Investigators on 03/18/18 of twelve to fifteen feet (Homicide Dietze Interview, p.13).

He broadcast via radio that he was involved in a shooting. Deputy Dietze saw Deputy Bui walk over to the suspect and kick a red knife out of the suspect's hand before attempting to render medical aid. Deputy Dietze requested Los Angeles County Fire Department personnel to the location for the suspect.

Field Sergeant James Long arrived at the location and made contact with Deputy Dietze. Deputy Dietze was transported to Temple Station, pending interview by Homicide Investigators.

ADDITIONAL INFORMATION

Temple Station Detectives interviewed the following civilians, who were deemed not to be witnesses to the incident.

[redacted] **[EXHIBIT A, page 21]**.

[redacted] **[EXHIBIT A, page 21]**.

[redacted] **[EXHIBIT A, page 21]**.

[redacted] **[EXHIBIT A, page 21]**.

[redacted] **[EXHIBIT A, page 22]**.

[redacted] **[EXHIBIT A, page 23]**.

[redacted] **[EXHIBIT A, page 24]**.

[redacted] **[EXHIBIT A, page 25]**.

[redacted] **[EXHIBIT A, page 25]**.

IAB Note: IAB investigators spoke with [redacted] on August 13, 2019 and [redacted] on August 23, 2019. They refused to be interviewed again by LASD personnel.

Investigators conducted a door knock at [redacted] Durfee Avenue and a business card was left at the location. Additionally, a certified letter addressed to [redacted] was sent. At the time this was authored, there had been no response.